



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Office of Inspector General
Washington, D.C. 20590

May 21, 2012

Mr. Jason Smathers
Muckrock News
DEPT MR 1034
PO Box 55819
Boston, MA 02205-5819

RE: FOIA Control No: FI-2012-0050

Dear Mr. Smathers:

This letter is in response to the referral of your January 20, 2012, Freedom of Information Act (FOIA) request sent to the Office of Government Ethics (OGE). After the OGE reviewed your request, they forwarded 8 pages that they felt originated at the Department of Transportation's Office of Inspector General (OIG). You requested all OGE Form 202, "Notice of Conflict of Interest Referral Form" received in calendar year 2011. Enclosed are the documents responsive to your request.

You will note that all personal information was redacted or withheld pursuant to exemptions provided by the Freedom of Information Act (5 U.S.C. § 552(b)(6) and (7)(C)).¹ A total of 8 pages were responsive to your request and no pages were withheld. We are producing all 8 pages with redactions.

The FOIA gives you the right to appeal adverse determinations to the appeal official for the agency. The appeal official for the OIG is the Assistant Inspector General, Brian A. Dettelbach. Any appeal must be submitted within 30 days after you receive this letter.

Any appeal should contain all facts and arguments that you propose warrant a more favorable determination. Please reference the file number above in any correspondence. Appeals to Mr. Dettelbach should be prominently marked as a "FOIA Appeal" addressed

¹Exemption 6 protects names and any data identifying individuals if public disclosure would be a clearly unwarranted invasion of privacy.

Exemption 7(C) protects personal information in law enforcement records. It prevents the disclosure of law enforcement information which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

to: U.S. Department of Transportation, Office of Inspector General, 7th Floor West (J3),
1200 New Jersey Avenue, SE, Washington, DC 20590.

If you have any questions regarding your request, please contact me at (202) 366-6131 or
angel.simmons@oig.dot.gov.

Sincerely,

A handwritten signature in cursive script, reading "Angel Simmons".

Angel Simmons
FOIA/ Privacy Act Officer

Enclosure

OGE Use Only

GSA Interagency Report
Control No: 0398-OGE-AR

Notification of Conflict of Interest Referral

For use in cases involving possible violations of 18 U.S.C. §§ 203, 205, 207-209 by current or former executive branch employees only; see reverse for summary of statutory/regulatory background. Please return directly to: U.S. Office of Government Ethics, 1201 New York Ave. NW, Suite 500, Washington, DC 20005-3917. Phone: Associate Director for Program Reviews (202) 482-9270. FAX: (202) 482-9238.

(b)(6), (b)(7)c

PART I ETHICS TRAINING

Is there any evidence the individual received ethics training?

(b)(6), (b)(7)c

PART II STATUTE(S) INVOLVED IN THIS CASE

Please check the appropriate box for the statute(s) involved in this case, then complete the rest of the information for the statute(s).

(b)(6), (b)(7)c

Statutory/Regulatory Background

28 U.S.C. § 535 requires every department or agency to report to the Attorney General any information, allegations, or complaints relating to violations of title 18 of the United States Code involving Government employees, including possible violations of 18 U.S.C. § 207 by former Government employees. The Director of the Office of Government Ethics (OGE), in accordance with 5 U.S.C. App. § 402(e)(2), has promulgated regulations at 5 C.F.R. § 2638.603 requiring agencies to concurrently notify the Director when any matter involving a violation of 18 U.S.C. §§ 203, 205, 207, 208, and/or 209 is referred to the Department of Justice pursuant to 28 U.S.C. § 535. Such notification may be accomplished by providing a copy of the referral document or by submitting this optional form, unless such notification would otherwise be prohibited by law. OGE regulations also require that the department or agency subsequently notify the Director of the referral's disposition, including any disciplinary or corrective action taken by the department or agency. 5 C.F.R. § 2638.603(c). Information relating to the disposition of a referral may be communicated to the Director in writing.

PART III ADDITIONAL AGENCY COMMENTS (if any):

(b)(6), (b)(7)c

PART IV DISPOSITION OF REFERRAL (OGE use only):

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